Entered - 4-9-01 - sb CL01L0228 - ALEXIS HOLMES 01-C -1155

CLAIM OF: NEAL H. HOWARD

1900 Century Place, Suite 310 Atlanta, Georgia 30345

For alleged damages sustained as a result of a wrongful arrest at Plaster Avenue and Peachtree Hills Road.

THIS ADVERSED REPORT IS APPROVED Rubers Yawell

DEPUTY CITY ATTORNEY

	AIM INVESTIGATION SUMMARY Date: 7/10/01
	TOWESTIGATION SUMME
- AW-CL	AIM INVEST
DIMENT OF LAW	Date:
DEPARTME	
- 200	
Claim No. 01L0228 Slaimant /Victim NEAL H. HOWARD 1900 Century Place, Suite 310 Claim for Property damage Method	Atlanta, Georgia 30345 Bodily Injury \$ Improper
NEAL H. HOWA	Atlanta, Georgia 30343 Bodily Injury 5 Improper
Claimant /Victim NEAL H. IV BY: (Atty)(Ins.) 1900 Century Place, Suite 310 Address: Claim for Property damage Method	S Unspecified X (6 Mo.) X
Claimant (Ins.) 1900 Century Place, Salve damage (Spirm for Property damage Method	Written, proper Ante Litem (6 Mo.) None End Operations Division Action: Field Operations None taken
Address.	X Avenue and Division
Subrogation 4/9/01 A. §36-33-5	Place: Plaster Avenue of Place: Plaster Avenue of None taken Division: Field Operations Division: None taken Disciplinary Action: None taken Disciplinary Action: None taken Disciplinary Action: None taken Disciplinary Action: None taken Division: None taken
Date of The Notice: U.C.	Divisioninary Action
Conforms to Notice: 0.C.0 Conforms to Notice: 0.C.0 Date of Occurrence Police Officer Ludwig	Palice Officer wrong turn of an on behalf of anounce
Date of Occurrence Department Department Jovee involved Officer Ludwig and alleges to	City of Atlanta Police of the intervened on corporation Share
Date of Occurrence Department Police Department Employee involved Officer Ludwig Employee involved AIM: The claimant alleges to the claimant al	hat a City Intoxication, alto.
Employ	d Felony O.C.G.A. 8 30-33 backarged of their discharged
NATURE OF CLASSIC Property Day Accord	Goors engaged in the disease
charged him with zone his car town or other of	Division: Ficurity Action: Note The Disciplinary Action: Note The
person who was torts of policemen	Disciplinary That a City of Atlanta Police Officer wrongfully affects Th
	mant Other Other Other Other
-cTiGALIO	nant X Dept Report
INVESTION Claim	ports: Police X Dept Report Claimant Driver Claimant Driver
Statements: City employee Report Repor	Claimant DriverClaimant Driver
Statement Diagram Statement Diagram Diagram Statement Diagram Diagram Statement Diagram Diagra	
Pictures Traffic citations issued: City Driver Citation disposition: City Driver Citation disposition: City Driver	110
Citation disposition.	Ministerial Damages reasonable
	Ministerial Damages reasonable Other Compromise settlement The Compromise settlement Other Compromise settlement The City Forces
Citation disposition. BASIS OF RECOMMENDATION:	Ministerial X Daniage Other X Daniage Compromise settlement Compromise settlement by City Forces Repair/replacement by Claim Abandoned Claim Abandoned
Governmentar More than	Six Months Compression Compression City Forces Compression Claim Abandoned Claim Abandoned
Function Notice	101130
Improper Notice City not involved Repair/replacement by Ins. Co. City Repair/replacement Negligent	Negligent
City not in City	Negligent
Repair/replacement Claimant Negligent	Kesper
Clanica	1 James
	WIS HOLMES
	TOTICATOR - ALEXIS III
	INVESTIGATION
	2H01
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TATION	/ / / Jesount Charge a rour/date
RECOMMENDATION:	Council Action
How	Council
Pay \$Manager:	
Claims Manager: Committee Action:	
Committee	
FORM 23-61	
FOKINI 23	

NEAL H. HOWARD & ASSOCIATES, P.C.

00 CENTURY PLACE, SUITE 310 ATLANTA, GEORGIA 30345 PHONE: (404) 633-3068 FAX: (404) 633-2078

908 SECOND AVENUE COLUMBUS, GEORGIA 31901 PHONE: (706) 324-7545 FAX: (706) 322-7030

04/09/01

April 3, 2001

ENTERED - 4-9-01 - SB 01L0228 - ALEXIS HOLMES VIA CERTIFIED MAIL

RETURN RECEIPT REQUESTED

City of Atlanta--Department of Law Suite 4100, City Hall Tower 68 Mitchell Street, S.W. Atlanta, Georgia 30335-0332 Attn: Susan Pease Langford

City Attorney

Ante-Litem Notice for Neal Howard RE:

This letter is being sent in accordance with O.C.G.A.§ 36-33-5. This firm represents Neal Howard, who was arrested without provocation by Officer Ludwig of Zone 2 of the City of Dear Ms. Langford: Atlanta police department on Tuesday, October 24, 2000, at approximately 9:00 p.m. Mr. Howard was arrested and charged with a felony crime, in addition to other charges, after City of Atlanta police officers, including officer Ludwig, arrived in response to Mr. Howard's 911 call. Mr. Howard initiated this call after witnessing a tow-truck driver strike a pedestrian in the parking area of a restaurant in which Mr. Howard was dining. Mr. Howard was subsequently detained at the city jail for approximately 12 hours.

Mr. Howard has been put through the rigors of defending himself in an ungrounded criminal prosecution based on the unwarranted actions of Officer Ludwig, in addition to the harassment and mental distress inflicted upon Mr. Howard by the actions of Mr. Ludwig. You are hereby on notice of potential claims for false imprisonment, false arrest, malicious prosecution, malicious arrest and/or intentional infliction of emotional distress, which may be asserted against the City of Atlanta based upon the actions of Officer Ludwig. This notice is being sent in an effort to preserve any potential claims that Neal Howard may have against responsible parties.

Should you have any questions or concerns regarding the herein matters, or wish to entertain adjustment of this claim, please contact our firm's Atlanta office.

Dixon James

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BY: Possic Rubers Lowell

DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0228	Date: <u>7/10/01</u>
OLI ANTAL MEAL IL HOWADD	
Claimant / Victim NEAL H. HOWARD	
BY: (Atty)(Ins.) Address: 1900 Century Place, Suite 310, A	Atlanta Georgia 30345
Charge for Property damage \$	Unspecified Bodily Injury \$
Subjugation Claim for Froperty damage w	Vritten proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X	Ante Litem (6 Mo.) X
Date of Occurrence 10/24/00 Pla	ace: Plaster Avenue and Peachtree Hills Road
Department Police Div	ision: Field Operations Division
Employee involved Officer Ludwig	Vritten, proper X Improper Ante Litem (6 Mo.) X ace: Plaster Avenue and Peachtree Hills Road ision: Field Operations Division Disciplinary Action: None taken
NATURE OF CLAIM: The claimant alleges that a	City of Atlanta Police Officer wrongfully arrested him and
charged him with Felony Property Damage, and Felo	ony Intoxication, after he intervened on behalf of another
person who was having his car towed. Accordingly,	O.C.G.A. § 36-33-3 states "municipal corporation shall not
be liable for the torts of policemen or other officers of	engaged in the discharged of their duties."
INVESTIGATION:	•
~. .	Out W. Harry Orol
Statements: City employee Claimant	Other Written Oral lice X Dept Report Other
Pictures Diagrams Reports: Pol	lice X Dept Report Other
Traffic citations issued: City Driver	Claimant Driver
Citation disposition: City Driver	Claimant Driver
DACIS OF DECOMMENDATION.	
BASIS OF RECOMMENDATION:	
Euration: Covernmental Y	Ministerial
Improper Notice More than Six Months	MinisterialOther X Damages reasonable
City and improduced 1 litter re-	lected Compromise semement
Panair/replacement by Ins. Co.	Repair/replacement by City Forces
Claimant Negligent City Negligent	Repair/replacement by City Forces Joint Claim Abandoned
Claimant Negligent only regarded	
R	espectfully submitted,
	(1 and) Aleganda
_	Clips Tours
	NVESTIGATOR - ALEXIS HOLMES
RECOMMENDATION:	
	2101 2101
Pay \$ Adverse X/ Acc	count charged: 1A012J012H01
C1411110 111411118-1-1	
Committee Action:	Council Action
7071400 (1)	
FORM 23-61 /	

NEAL H. HOWARD & ASSOCIATES, P.C.

Attorneys at Law

1900 CENTURY PLACE, SUITE 310 ATLANTA, GEORGIA 30345 PHONE: (404) 633-3068 FAX: (404) 633-2078 908 SECOND AVENUE COLUMBUS, GEORGIA 31901 PHONE: (706) 324-7545 FAX: (706) 322-7030

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RE: Ante-Litem Notice for Neal Howard

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Sincerely

Dixon James